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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,711	01/19/2005	Albertus Visser		2382

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EXAMINER
RECEK, JASON D

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/521,711	VISSER, ALBERTUS	
	Examiner	Art Unit	
	Jason Recek	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address ---

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Janurary 19th 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-18* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-18* is/are rejected.

7) ☒ Claim(s) *10* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *19 January 2005* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☒ All   b) ☐ Some *   c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/19/2005*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is in response to the application filed on January 19th 2005, in which claims 1-18 are presented for examination.

Status of Claims

Claims 1-18 are pending of which claims 1, 8, and 14-18 are in independent form.

Claim 10 is currently objected to.

Claims 1-3, 8-9 and 14-18 are rejected under 35 U.S.C. 102(e).

Claims 4-7 and 10-13 are rejected under 35 U.S.C. 103(a).

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a) because they fail to show resetting and starting the request timer (Fig. 7 item 102) as described in the specification (pg. 6). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Objections

2.   Claim 10 is objected to because of the following informalities: the word one is

misspelled in "generating more than on response". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 8-9 and 14-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Berry et al. U.S. Pat. 7,023,876.

        Regarding claim 1, Berry discloses "sending a request for status to a second

computing device" as a exchange between systems to verify they are ready to receive

data (col. 5 ln. 56-66, Fig. 2), and "in case of no response [...] blocking requests for

processing of data to be sent" if the handshake is unsuccessful data will not be

transferred because no connection will be established (Fig. 11).

        Regarding claim 2, Berry discloses "generating a request for processing of data

which causes the sending of the request for status" as establishing a connection prior to

sending data (col. 5 ln. 56-66, Fig. 2, 11), any data sent will inherently be processed by

the other system.

        Regarding claim 3, Berry discloses "request for information about a network

connection" as exchanging information about an exchange rate, this exchange rate

information concerns network information (col. 6 ln. 1-5, Fig. 2).

        Regarding claim 8, Berry discloses "receiving a request for status from the other

computing device" as verifying if the remote system is ready to receive data by sending

a synchronization message (col. 5 ln. 56 – col. 6 ln. 17, Fig 2), "generating at least one

response to the request" as an acknowledgement (col. 5 ln. 56 – col. 6 ln. 17, Fig 2)",

and "sending the response to the other computing device" as exchanging information

(col. 5 ln. 56 – col. 6 ln. 17, Fig 2).

Regarding claim 9, Berry inherently discloses "requests for status and responses

to these requests are received and sent using a first simplified protocol" because

computers exchanging information will necessarily exchange the information according

to some protocol (col. 5 ln. 56 – col. 6 ln. 17, Fig 2).

Regarding claim 14, Berry discloses "application unit performing computational

tasks" as an application program (106 Fig. 1), "status determining unit [...] arranged to

send a request for status to the other computing device" as computers that exchange

information to determine whether or not they are ready to receive information using a

protocol layer (col. 4 ln. 16-20, Fig. 2, 4), and "automatically block request for

processing of data to the other computing device if no response is received" if the

handshake is not successful (no response received) then data for processing will not be

transferred (Fig. 11).

Regarding claim 15, Berry discloses "an application unit performing

computational tasks for another application unit when being requested to do so by the

other computing device" as an application program that will process data that is sent to

it (col. 5 ln. 1-3, 106-108 Fig. 1), and "a status responding unit arranged to receive a

request [...] generate at least one response [...] send the response" as a system that

verifies whether another computer is ready to receive information by exchanging control

information (col. 5 ln. 56 – col. 6 ln. 17, Fig 2).

Regarding claim 16, Berry discloses "the first computing device comprising: an

application unit performing computational tasks [and the status determining unit of claim

14]" as one of the computers participating in the handshake will have a processor and

means of sending information to another computer (see claim 14 rejection above), and

"second computing device comprising [claim 15]" as the other computer participating in

the handshake (Fig. 1) also see claim 15 rejection above.

Regarding claim 17, Berry discloses "computer readable medium [...] to make a

computer execute [...] sending of a request for status to another computer" as a

computer handshake (col. 5 ln. 56 – col. 6 ln. 17, Fig 2) this method would inherently be

contained on a computer readable medium, and "in case of no response on the request

for status from the other computer, automatically blocking requests for processing of

data to the other computer" if the handshake is unsuccessful no data would be sent to

the other computer for processing (col. 15 ln. 41-50, Fig. 11).

Regarding claim 18, Berry discloses "computer readable medium [to make a

computer execute the method of claim 8]" since the method of Berry occurs on

computers it is necessary that the instructions would be on a computer readable

medium such as tapes or disks (col. 5 ln. 27-38).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 6-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Berry in view of Bahl et al. Pat. No. 7,051,087 B1.

Regarding claim 6, Berry does not disclose "setting a time limit within which a

request for status is to be sent and the sending of a request for status is performed

when this time limit expires" however Bahl teaches sending a response at the expiration

of a timer (col. 8 ln. 59-63, Fig. 4c).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the system of Berry with Bahl. The motivation is to rapidly detect

network failures.

Regarding claim 7, Berry does not disclose "requests for status are sent using a

simplified first protocol and requests for processing are sent using a second standard

protocol" however Bahl teaches using a first protocol such as multicast UDP to send

network information (col. 8 ln. 29-45) and it would be obvious to one of ordinary skill in

the art to use a different protocol such as TCP to transfer data once the connection is

set up. The motivation is to transfer data reliably.

Regarding claim 13, Berry does not disclose "setting a time limit for sending a

response and sending the response when said time limit expires" however Bahl teaches

sending a response at the expiration of a timer (col. 8 ln. 59-63, Fig. 4c).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the system of Berry with Bahl. The motivation is to rapidly detect

network failures.

7.   Claims 4-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Berry in view of Meah EP 1035709 A2.

Regarding claim 4, Berry discloses "setting a time limit within which the response

to the request for status is to be received" as part of the handshake responses must be

received within a certain time (col. 4 ln. 18-21, 400 Fig. 4, "Time-out" Fig. 10) but does

not disclose "blocking requests for processing is performed if no response is received

within the time limit" however this is taught by Meah as a system which stops sending

data if no response is received within the time limit (col. 3 ln. 5-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Berry with Meah. The motivation is to rapidly detect network failures.

Regarding claim 5, Berry does not disclose "the second computing device has a time limit within which responses are to be sent to the first computing device and the time limit within which the response is to be received is between two and three times longer than the send time limit" however Meah teaches setting a timeout that is at least twice as long as the send timer so that more than one message may be received before timing out (col. 3 ln. 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Berry with Meah. The motivation is to rapidly detect network failures.

Regarding claim 10, Berry does not disclose "generating more than on[e] response within a request time limit without waiting for further requests" however Meah teaches sending multiple status messages to clients during a single timeout period (col. 3 ln. 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Berry with Meah. The motivation is to rapidly detect network failures.

Regarding claim 11, Berry does not disclose "the time for responding to a request is reset each time a request for status is received" however Meah teaches a re-settable timer that resets every time a message is received (col. 2 ln 56-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Berry with Meah. The motivation is to rapidly detect network failures.

Regarding claim 12, Berry does not disclose "the other computer has a send time limit determining when requests for status are to be sent and said request time limit is between one and two times longer than this send time limit" however Meah teaches setting a time limit for responding in which one or more responses may be sent before the time limit expires (col. 3 ln. 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Berry with Meah. The motivation is to rapidly detect network failures.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Devine et al. US2002/0103909 A1 discloses a system for resuming transmission after connection is lost.

Bakshi U.S. Pat. No. 6,457,054 B1 discloses a system for reducing latency in a network.

Verkler et al. U.S. Pat. No. 6,157,941 discloses a system that stops sending messages after a period of time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Recek
7/07/07

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SUPERVISORY PATENT EXAMINER